

## Remarks

In the present response, claims 1-36 are presented for examination. In light of the amendments and remarks, Applicants make a sincere effort to place this application in condition for allowance.

### **Claims Rejection: 35 USC § 103(a)**

Claims 1-3, 8, 10-12, 17, 19-21, 26, 28-30, and 35 are rejected under 35 USC § 103(a) as being unpatentable over USPN 5,828,514 (Chliwnyj) in view of USPN 6,449,114 (Nagasawa). Applicants respectfully traverse this rejection.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. For at least the following reasons, Applicants assert that the rejection does not satisfy these criteria.

The independent claims recite numerous recitations that are not taught or suggested in Chliwnyj in view of Nagasawa. By way of example, independent claims 1 and 10 recite adjusting position of the electromagnetic head according to the sensed vibration to maintain proper alignment with the magnetic tape so the magnetic tape continues to pass across the electromagnetic head. Claim 19 recites adjusting position of the electromagnetic head to the sensed vibration “so the magnetic tape does not stop but continues to move with respect to the electromagnetic head.” Further, claim 28 recites a means for adjusting position of the information imparting means to compensate for errors induced by the vibration “so the magnetic tape does not stop but continues to pass across the means for imparting information.”

First, the Office Action admits that “Chliwnyj fails to teach vibration imparted to a tape transport mechanism and generating an electrical signal according to the vibration experienced by a tape transport mechanism” (see OA at pages 2-3). Applicants agree with this admission. The Office Action, however, attempts to cure these deficiencies with

Nagasawa. Applicants respectfully state that Nagasawa does not teach or suggest the recitations of the amended independent claims.

Fig. 2 of Nagasawa shows a shock sensor 13 adjacent a magnetic head 2. The shock sensor detects a shock and converts this shock to a predetermined signal (4: 29-30). When the controller receives this shock signal, however, operations stop: “Upon reception of the operation stop signal from the comparator (stop signal output circuit) 15, the main controller controls to stop operations of the positioning mechanism 4 and the tape running drive mechanism (not depicted)” (4: 42-45).

Nagasawa repeatedly states that read/write operations stop when a shock is detected. As shown in Figs. 3A and 3B, when output “a” from shock sensor 13 is greater than a predetermined value, the comparator outputs a square wave “c” (5: 10-13). Upon receipt of this square wave, the controller “immediately controls to stop the head positioning mechanism 4 and the tape running drive mechanism” (5: 22-25). Thus, the signal “c” provides “a write inhibiting signal to the write control circuit 12 and the magnetic head 2 is set to a write-disabled state” (5: 34-36). In Nagasawa, the main controller and write control circuit “operate to set the entire apparatus into a write stop mode, and the magnetic sensor to an inhibited state” (5: 58-61).

Nagasawa is in direct contrast to the recitations of the independent claims. By way of example, claim 1 recites adjusting position of the electromagnetic head according to the sensed vibration **to maintain proper alignment with the magnetic tape so the magnetic tape continues to pass across the electromagnetic head**. Further, claim 19 recites adjusting position of the electromagnetic head to the sensed vibration **so the magnetic tape does not stop but continues to move with respect to the electromagnetic head**.

For at least these reasons, the independent claims and their respective dependent claims are allowable over Chliwnyj in view of Nagasawa.

### **CONCLUSION**

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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